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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,428	11/26/2001	James Lewis Van Welzen	P000048/2302P	7486
29141	7590	09/06/2006	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			JONES, HEATHER RAE	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,428	VAN WELZEN ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 and 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 19, 2006 have been fully considered but they are not persuasive.

The Applicant argues on page 8, lines 10-13 that Lane fails to teach or suggest the limitation of "calculating an instantaneous frame rate to produce a calculated instantaneous frame rate". The Examiner respectfully disagrees. Lane discloses generating new PCR, PTS, and DTS values as a function of trick play speed at which the data is intended to be read back (col. 2, lines 50-55). Therefore, the rejection is maintained since Lane meets the limitation of calculating an instantaneous frame rate to produce a calculated instantaneous frame rate because new PCR, PTS, and DTS values are calculated each time a trick play command is given meaning that they are instantaneously calculated each time a trick play command is given.

Drawings

2. Applicant's arguments filed June 19, 2006 with the amendments to the drawings is missing the attached replacement drawing sheet. Therefore, the Examiner could not examine the replacement drawing and the objection to Fig. 4 is maintained.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent 6,952,521) in view of Lane (U.S. Patent 6,031,960).

Regarding claim 1, Kelly et al. discloses a digital versatile disc (DVD) system that updates timestamps in order to correct playback (col. 16, lines 1-14). However, Kelly et al. fails to disclose the method comprising: (a) calculating an instantaneous frame rate; (b) adjusting a timestamp of a frame based on the calculated instantaneous; and (c) displaying the frame according to the adjusted timestamp.

Referring to the Lane reference, Lane discloses a method for performing smooth search transitions in a video tape recorder, the method comprising: (a) calculating an instantaneous frame rate to produce a calculated instantaneous frame rate; (b) adjusting a timestamp of a frame based on the calculated instantaneous frame rate to produce an adjusted timestamp; and (c) displaying the frame according to the adjusted timestamp (col. 3, lines 40-58; col. 9 line 35 – col. 10, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made have updated the timestamps as disclosed by Lane in the DVD system disclosed by Kelly et al. in order to correct the timing

information contained in a bitstream so that it conforms to MPEG standards during trick playback operation.

Regarding claim 2, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the calculating further comprises determining a change in rate between a current frame rate and a new frame rate (Lane: col. 9, line 44 – col. 10, line 9).

Regarding claim 3, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as determining a transition interval for the change in rate (Lane: col. 9, lines 60-62; col. 10, lines 7-10).

Regarding claim 4, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claims 1-3 as well as disclosing that the transition interval further comprises an interval sufficient to maintain audio and video synchronization (Lane: col. 1, lines 56-60).

Regarding claim 5, Kelly et al. discloses a digital versatile disc (DVD) system that updates timestamps (col. 16, lines 1-14) along with a display device (14) for displaying frames. However, Kelly et al. fails to disclose a decoding engine for calculating an instantaneous frame rate, adjusting a timestamp of a frame based on the calculated instantaneous; and providing the frame to the display device according to the adjusted timestamp.

Referring to the Lane reference, Lane discloses a video tape recorder with smooth search transitions capabilities, the system comprising: a display device

for displaying frames (col. 4, lines 64-67); a decoding engine for calculating an instantaneous frame rate to produce a calculated instantaneous frame rate for adjusting a timestamp of a frame based on the calculated instantaneous frame rate to produce an adjusted timestamp, and for providing the frame to the display device according to the adjusted timestamp (col. 3, lines 40-58; col. 9 line 35 – col. 10, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made have updated the timestamps as disclosed by Lane in the DVD system disclosed by Kelly et al. in order to correct the timing information contained in a bitstream so that it conforms to MPEG standards during trick playback operation.

Regarding claims 6-8, grounds for rejecting claims 2-4 apply for claims 6-8 in their entireties.

Regarding claim 9, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claim 5, but fails to disclose that the DVD player system further comprising a DVD player of a personal computer. Official Notice is taken that it would have been obvious to one of ordinary skill in the art that the DVD player system further comprising a DVD player of a personal computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the DVD player system as disclosed by Lane in view of Kelly et al. into a PC in order to provide a better DVD player system in those apparatuses.

Regarding claims **10-13**, these are computer readable medium claims corresponding to the method claims 1-4. Therefore, claims 10-13 are analyzed and rejected as previously discussed with respect to claims 1-4. Furthermore, Lane discloses the bitstream corrector circuit (220) uses an algorithm to compute the updated timestamps (col. 11, lines 53-55), which are inherently stored on a medium.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-

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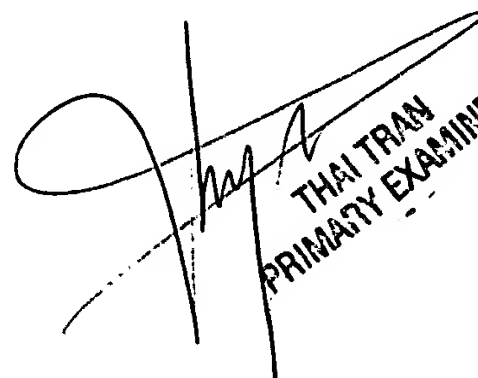
7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
August 27, 2006



THAI TRAN
PRIMARY EXAMINER